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04/23/2001

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EXAMINER

CHOI, PETER Y

ART UNIT

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1794

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/840,755	Applicant(s) TOPOLKARAEV ET AL.	
	Examiner Peter Y. Choi	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6,8,9,11,14,17,18,20-23 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6,8,9,11,14,17,18,20-23 and 25-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

NON-FINAL ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 10, 2008, has been entered.

Claim Rejections - 35 USC § 102/103

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 2-6, 8, 9, 11, 14, 17, 18, 20-23, and 25-28 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over USPN 6,514,602 to Zhao.

Regarding claims 2-6, 8, 9, 11, 14, 17, 18, and 20-23, Zhao teaches a personal care product comprising a biodegradable film formed from a stretched precursor film, comprising a blended mixture of a biodegradable polymer and a water soluble polymer, wherein the biodegradable film comprises from about 70% to about 95% biodegradable polymer by weight of the biodegradable film (see entire document including column 2 lines 60-67, column 3 lines 20-35, column 4 lines 55-69, column 7 lines 35-45). It should be noted that the biodegradable thermoplastic polymer and water-soluble thermoplastic polymer are present in the same layer so the Examiner submits that “blended mixture” is present as claimed by Applicants.

Regarding claims 2-6, 8, 9, 11, 14, 17, 18, and 20-23, Zhao does not appear to specifically teach that the precursor film is stretched from about 100 to about 500 percent of its original length while in contact with an aqueous solution. Absent a showing to the contrary, it is Examiner’s position that the article of the applied prior art (a biodegradable film comprising a biodegradable polymer and a water soluble polymer in the claimed percentages with the claimed water vapor transmission rate and thickness) is identical to or only slightly different than the claimed article. Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. The burden has been shifted to

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Applicant to show unobvious difference between the claimed product and the prior art product.

The applied prior art either anticipated or strongly suggested the claimed subject matter. It is noted that if Applicant intends to rely on Examples in the specification or in a submitted declaration to show unobviousness, Applicant should clearly state how the Examples of the present invention are commensurate in scope with the claims and how the Comparative Examples are commensurate in scope with the applied prior art.

Regarding claims 2, 3 and 22, the biodegradable film has a water vapor transmission rate of greater than about 2500, 3000 and 3500 g/m²/24 hours (column 7 lines 35-45). Additionally, it would have been obvious to one of ordinary skill in the biodegradable film art at the time the invention was made to optimize the water vapor transmission rate of the film since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In the present case, one of ordinary skill in the biodegradable film art would be motivated to optimize the water vapor transmission rate of the film based on the desired water vapor porosity or air permeability suitable for the desired application.

Regarding claim 4, the biodegradable polymer is an aliphatic polyester (column 5 lines 40-69).

Regarding claim 5, the biodegradable polymer is selected from the group consisting of polycaprolactone, polybutylene succinate, poly(butylene succinate-adipate), polylactic acid, a terpolymer of terephthalic acid, adipic acid, and 1,4,-butanediol, and copolymers and mixtures thereof (columns 5 and 6).

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Regarding claim 6, the water soluble polymer is selected from the group consisting of polyethylene oxide, polyethylene glycol, polyvinyl alcohol, and copolymers and mixtures thereof (column 4 lines 55-69).

Regarding claims 8, 9 and 20, the biodegradable film has an elongation at break of greater than about 100% or greater than about 200% (column 7 lines 10-30).

Regarding claim 11, the biodegradable film includes from about 5% to about 30% water soluble polymer by weight of the biodegradable film (column 2 lines 60-69).

Regarding claim 14, the biodegradable film has a thickness of from about 0.1 to 0.3 mil (column 8 lines 1-30).

Regarding claims 17 and 18, the product is a disposable diaper, training pant, feminine pad, panty liner, incontinence product, wound dressing or delivery system (column 3 lines 30-45).

Regarding claim 23, the water-soluble polymer is polyethylene oxide, polyethylene glycol, or a copolymer thereof (column 4 lines 55-69).

Regarding claims 25 and 26, Zhao teaches a personal care product comprising a biodegradable film formed from a stretched precursor film comprising a blended mixture of a biodegradable polymer and a water soluble polymer, wherein the water soluble polymer comprises polyethylene oxide, polyethylene glycol, or a copolymer thereof (see entire document including column 2 lines 60-67, column 3 lines 20-35, column 4 lines 55-69, column 7 lines 35-45). It should be noted that the biodegradable thermoplastic polymer and water-soluble thermoplastic polymer are present in the same layer so the Examiner submits that “blended mixture” is present as claimed by Applicants.

Regarding claims 25 and 26, Zhao does not appear to specifically teach that the precursor film is stretched from about 100 to about 500 percent of its original length while in contact with an aqueous solution. Absent a showing to the contrary, it is Examiner's position that the article of the applied prior art (a biodegradable film comprising a biodegradable polymer and a water soluble polymer in the claimed percentages with the claimed water vapor transmission rate and thickness) is identical to or only slightly different than the claimed article.

Regarding claim 26, the biodegradable film has a water vapor transmission rate of greater than about $2500 \text{ g/m}^2/24 \text{ hours}$ (column 7 lines 35-45). Additionally, it would have been obvious to one of ordinary skill in the biodegradable film art at the time the invention was made to optimize the water vapor transmission rate of the film since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In the present case, one of ordinary skill in the biodegradable film art would be motivated to optimize the water vapor transmission rate of the film based on the desired water vapor porosity or air permeability suitable for the desired application.

Regarding claim 27, Zhao teaches a personal care product comprising a biodegradable film formed from a stretched precursor film comprising a blended mixture of a biodegradable polymer and a water soluble polymer, wherein the precursor film was stretched (see entire document including column 2 lines 60-67, column 3 lines 20-35, column 4 lines 55-69, column 7 lines 35-45). Although the Zhao reference does not appear to teach that the biodegradable film was stretched while in contact with an aqueous solution, the prior art structure is identical to the claimed structure. Therefore, the Zhao reference is deemed to anticipate the claimed limitation that the biodegradable film was stretched while in contact with an aqueous solution. It should be

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noted that the biodegradable thermoplastic polymer and water-soluble thermoplastic polymer are present in the same layer so the Examiner submits that “blended mixture” is present as claimed by Applicants.

Regarding claim 28, Zhao teaches a personal care product comprising an outer cover layer, a liquid permeable liner layer, and an absorbent body between the outer cover layer and the liner layer, wherein the liner layer is bonded to the outer cover layer and to the absorbent body, the outer cover layer comprising a blended mixture of a biodegradable polymer and a water soluble polymer, and wherein the outer cover layer comprises from about 70% to about 95% biodegradable polymer by weight of the outer cover layer (see entire document including column 2 lines 60-67, column 3 lines 20-35, column 4 lines 55-69, column 7 lines 35-45, column 10 line 66 to column 11 line 44). It should be noted that the biodegradable thermoplastic polymer and water-soluble thermoplastic polymer are present in the same layer so the Examiner submits that “blended mixture” is present as claimed by Applicants.

Regarding claim 28, Zhao does not appear to specifically teach that the blended mixture is stretched from about 100 to about 500 percent of its original length while in contact with an aqueous solution. Absent a showing to the contrary, it is Examiner’s position that the article of the applied prior art (a biodegradable film comprising a biodegradable polymer and a water soluble polymer in the claimed percentages with the claimed water vapor transmission rate and thickness) is identical to or only slightly different than the claimed article.

In the event it is shown that Zhao does not disclose the claimed invention with sufficient specificity, the invention is obvious because Zhao discloses the claimed constituents and discloses that they may be used in combination.

Response to Arguments

4. Applicants' arguments filed March 10, 2008, have been fully considered but they are not persuasive. Applicants argue that Zhao fails to teach a film that is stretched in contact with an aqueous solution. Applicants cite various possible characteristics associated with such a method as recited in Applicants' specification page 14.

Regarding Applicants' arguments, Examiner respectfully disagrees. As set forth above, the claimed limitation of stretching the precursor film when in contact with an aqueous solution is a product-by-process limitation. Absent a showing to the contrary, it is Examiner's position that the article of the applied prior art (a biodegradable film comprising a biodegradable polymer and a water soluble polymer in the claimed percentages with the claimed water vapor transmission rate and thickness) is identical to or only slightly different than the claimed article. Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself.

Applicants argue that in the preferred method, among other methods, of forming the film includes stretching the precursor film while in contact with an aqueous solution. It is unclear what effect stretching the precursor or intermediate film necessarily has on the final claimed product. As Applicants recite in the submissions of March 10, 2008, page 14 of Applicants' specification recites that

“...the stretching process *can* reduce the surface energy between the film material and environment, which *can* lower the stress required to produce a stretched film with a specified draw ratio. It *can* also reduce the probability of a film failure during the stretching process as the precursor film will be experiencing lower stresses during stretching. In addition, stretching in contact with water *can* accelerate the dissolution and etching of the water soluble component of the film by plastically deforming the water soluble component while it is in contact with

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the solvent. Stretching in contact with the solvent increases the breathability of the film, improves its softness and reduces film thickness. (Page 14).”

Based on this preferred method of stretching the *precursor* film, the surface energy between the film and the environment, *can* be reduced, which *can* lower the stress required to produce a stretched film with a specified draw ratio, the probability of film failure during the stretching process *can* be reduced, and the dissolution and etching of the water soluble component of the film *can* be accelerated. Each of the aforementioned advantageous characteristics appear to be possible, but not necessarily probable or certain. Additionally, since Examiner equates the stretching of the precursor film as a product-by-process limitation, Applicants have not provided evidence that, based on the complete teachings of Zhao, the invention of Zhao is not substantially similar to the claimed personal care product.

Although Applicants’ specification recites that the breathability of the film increases, the softness improves, and the film thickness is reduced, the invention of the prior art appears to teach a substantially similar film with a breathability or moisture vapor transmission rate and film thickness within the claimed or disclosed ranges, and which is sufficiently soft. Therefore, the claimed invention appears to be anticipated by or obvious over the Zhao invention.

Claim Rejections - 35 USC § 102/103

5. Claims 2-6, 8, 9, 11, 14, 17, 18, 20-22, 24, 27, and 28 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over USPN 5,200,247 to Wu.

Regarding claims 2-6, 8, 9, 11, 14, 17, 18, 20-22, and 24, Wu teaches a personal care product comprising a biodegradable film formed from a stretched precursor film, comprising a biodegradable polymer and a water soluble polymer, wherein the biodegradable film comprises from about 70% to about 95% biodegradable polymer by weight of the biodegradable film and wherein the film is stretched from about 100 to about 500 percent of its original length (see entire document including column 1 line 59 to column 2 line 58, column 4 lines 3-67, column 5 and 6, Examples 1-6).

Regarding claims 2, 3 and 22, Wu does not appear to teach that the biodegradable film has a water vapor transmission rate of greater than about $2500 \text{ g/m}^2/24 \text{ hours}$, greater than about $3000 \text{ g/m}^2/24 \text{ hours}$, and greater than about $3500 \text{ g/m}^2/24 \text{ hours}$, and that the precursor film is stretched while in contact with an aqueous solution. Although the prior art does not disclose the claimed water vapor transmission rates and stretching technique, the claimed properties are deemed to be inherent to the structure in the prior art since the Wu reference teaches an invention with a similar structural and chemical composition as the claimed invention (a stretched precursor film, comprising a biodegradable polymer and a water soluble polymer, wherein the biodegradable film comprises from about 70% to about 95% biodegradable polymer by weight of the biodegradable film and wherein the film is stretched from about 100 to about 500 percent of its original length).

Regarding claim 4, the biodegradable polymer is an aliphatic polyester (column 2 line 62 to column 4 line 8).

Regarding claim 5, the biodegradable polymer is selected from the group consisting of polycaprolactone, polybutylene succinate, poly(butylene succinate-adipate), polylactic acid, a

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terpolymer of terephthalic acid, adipic acid, and 1,4,-butanediol, and copolymers and mixtures thereof (column 2 line 62 to column 4 line 8).

Regarding claim 6, the water soluble polymer is selected from the group consisting of polyethylene oxide, polyethylene glycol, polyvinyl alcohol, and copolymers and mixtures thereof (column 4 lines 11-30).

Regarding claims 8, 9 and 20, the biodegradable film has an elongation at break of greater than about 100% or greater than about 200% (Examples 2 and 3).

Regarding claim 11, the biodegradable film includes from about 5% to about 30% water soluble polymer by weight of the biodegradable film (column 4 lines 22-30, Examples 1-6).

Regarding claim 14, the biodegradable film has a thickness of from about 1-10 mils (column 7 lines 1-17, Examples 1-4, Example 6).

Regarding claims 17 and 18, the product is a disposable diaper, training pant, feminine pad, panty liner, incontinence product, wound dressing or delivery system (column 1 lines 27-40, column 2 lines 50-54).

Regarding claim 27, Wu teaches a personal care product comprising a biodegradable film formed from a stretched precursor film comprising a blended mixture of a biodegradable polymer and a water soluble polymer, wherein the precursor film was stretched (see entire document including column 1 line 59 to column 2 line 58, column 4 lines 3-67, column 5 and 6, Examples 1-6). Although the Wu reference does not appear to teach that the biodegradable film was stretched while in contact with an aqueous solution, the prior art structure is identical to the claimed structure. Therefore, the Wu reference is deemed to anticipate the claimed limitation that the biodegradable film was stretched while in contact with an aqueous solution.

Regarding claim 28, Wu teaches a personal care product comprising an outer cover layer, a liquid permeable liner layer, and an absorbent body between the outer cover layer and the liner layer, wherein the liner layer is bonded to the outer cover layer and to the absorbent body, the outer cover layer comprising a stretched blended mixture of a biodegradable polymer and a water soluble polymer, wherein the blended mixture is stretched from about 100 to about 500 percent of its original length, and wherein the outer cover layer comprises from about 70% to about 95% biodegradable polymer by weight of the outer cover layer (see entire document including column 1 line 59 to column 2 line 58, column 4 lines 3-67, column 5 and 6, Examples 1-5). It should be noted that Applicants have not associated structures corresponding to the absorbent body and the liner layer. As Wu teaches that the film maybe extruded into two or three or more layers (column 4 lines 31-34), the outer extruded film is analogous to the claimed outer cover layer and the remaining layers of film are analogous to the claimed liner layer and absorbent body.

Although the Wu reference does not appear to teach that the biodegradable film was stretched while in contact with an aqueous solution, the prior art structure is identical to the claimed structure. Therefore, the Wu reference is deemed to anticipate the claimed limitation that the biodegradable film was stretched while in contact with an aqueous solution.

In the event it is shown that Wu does not disclose the claimed invention with sufficient specificity, the invention is obvious because Wu discloses the claimed constituents and discloses that they may be used in combination.

Response to Arguments

6. Applicants' arguments filed March 10, 2008, have been fully considered but they are not persuasive. Applicants argue that Wu does not disclose the claimed technique of processing a film, regardless of its original composition. Examiner respectfully disagrees. Wu teaches that micropores or microvoids can be produced by stretching the biodegradable film to form a breathable, water impermeable and biodegradable thermoplastic film suitable for use in applications such as diapers, sanitary napkins and pads, and garments (column 1 line 59 to column 2 line 58). Additionally, Applicants have not set forth evidence that the product formed by the stretching techniques set forth in Wu is not substantially similar to the claimed invention, or similarly that the product-by-process techniques produce the claimed product which is different than the product of Wu. Therefore, the claims remain rejected.

Claim Rejections - 35 USC § 103

7. Claims 2-6, 8, 9, 11, 14, 17, 18, 20-23, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhao in view of USPN 5,800,758 to Topolkaraev.

Regarding claims 2-6, 8, 9, 11, 14, 17, 18, 20-23, and 25-28, in the event it is shown that the claimed water vapor transmission rates are not inherent to the invention of Zhao and that stretching the precursor film from about 100 to about 500 percent of its original length while in contact with an aqueous solution results in a structure which is not substantially similar to the invention of Zhao, Topolkaraev teaches a method for making microporous films suitable for use in gowns and diapers wherein the thermoplastic films are stretched while operatively contacted with a bath of a desired surface-active liquid (Topolkaraev, column 1 line 57 to column 2 line 6,

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column 2 line 37 to column 3 line 47, column 14 line 13 column 13 line 45, Examples 1-12).

Topolkaraev teaches that the surface-active liquid can reduce surface tension and can facilitate an improved nucleation and growth of microvoids (Id., column 14 lines 22-40). Topolkaraev teaches that the surface-active may comprise various alcohols and organic solvents, including isopropanol with water (Id., column 14 line 62 to column 15 line 4). Topolkaraev teaches that the draw ratio is not less than 1.1 and not more than 10 (Id., column 15 lines 24-45).

Topolkaraev teaches that the resulting film can exhibit various water vapor transmission rates which is in the range of about 16,000 g/m²/24 hours (Id., column 18 lines 8-19, Examples 1-12).

It would have been obvious to one of ordinary skill in the microporous film art to form the microporous film of Zhao, wherein the micropores or microvoids are formed by the stretching technique and with the water vapor transmission rates as taught by Topolkaraev, motivated by the desire of forming a conventional microporous film with a process known in the art to form a predictably resulting microporous film which can exhibit improved wicking, can accelerate the dissolution kinetics for articles which are intended to be flushable, can help provide for improved absorbency, improved distribution of liquid, improved breathability in articles such as gowns and diapers, improved tactile and aesthetic properties, and enhanced biodegradability.

8. Claims 2-6, 8, 9, 11, 14, 17, 18, 20-22, 24, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Topolkaraev.

Regarding claims 2-6, 8, 9, 11, 14, 17, 18, 20-22, 24, 27, and 28, in the event it is shown that the claimed water vapor transmission rates are not inherent to the invention of Wu and that stretching the precursor film from about 100 to about 500 percent of its original length while in

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contact with an aqueous solution results in a structure which is not substantially similar to the invention of Wu, Topolkaraev teaches a method for making microporous films suitable for use in gowns and diapers wherein the thermoplastic films are stretched while operatively contacted with a bath of a desired surface-active liquid (Topolkaraev, column 1 line 57 to column 2 line 6, column 2 line 37 to column 3 line 47, column 14 line 13 column 13 line 45, Examples 1-12).

Topolkaraev teaches that the surface-active liquid can reduce surface tension and can facilitate an improved nucleation and growth of microvoids (Id., column 14 lines 22-40). Topolkaraev teaches that the surface-active may comprise various alcohols and organic solvents, including isopropanol with water (Id., column 14 line 62 to column 15 line 4). Topolkaraev teaches that the draw ratio is not less than 1.1 and not more than 10 (Id., column 15 lines 24-45).

Topolkaraev teaches that the resulting film can exhibit various water vapor transmission rates which is in the range of about 16,000 g/m²/24 hours (Id., column 18 lines 8-19, Examples 1-12).

It would have been obvious to one of ordinary skill in the microporous film art to form the microporous film of Wu, wherein the micropores or microvoids are formed by the stretching technique and with the water vapor transmission rates as taught by Topolkaraev, motivated by the desire of forming a conventional microporous film with a process known in the art to form a predictably resulting microporous film which can exhibit improved wicking, can accelerate the dissolution kinetics for articles which are intended to be flushable, can help provide for improved absorbency, improved distribution of liquid, improved breathability in articles such as gowns and diapers, improved tactile and aesthetic properties, and enhanced biodegradability.

Response to Arguments

9. Applicants' arguments with respect to the rejections based on Zhao in view of Odorzynski and Wu in view of Odorzynski have been considered but are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Y. Choi whose telephone number is (571)272-6730. The examiner can normally be reached on Monday - Friday, 08:00 - 15:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew T Piziali/
Primary Examiner, Art Unit 1794

/Peter Y. Choi/
Examiner, Art Unit 1794